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INCOMING TELEGRAM *Department of State*

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C O N F I D E N T I A L SAIGON 26910

CINCPAC FOR POLAD

REF: SAIGON 26690

SUBJECT: NATIONAL ASSEMBLY: DIRECTORATE VIEWS ON PRESIDENTIAL ELECTION LAW

RSR

1. IN A LETTER DATED MAY 26 SIGNED BY GENERAL THIEU, DIRECTORAGE HAS TRANSMITTED ITS VIEWS ON PRESIDENTIAL ELECTION LAW TO NATIONAL ASSEMBLY CHAIRMAN PHAN KHAC SUU. LETTER CIRCULATED TO DEPUTIES AT MAY 27 SESSION AND WILL BE DEBATED MAY 29.

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2. TONE OF LETTER IS CORDIAL. IT ASKS ASSEMBLY TO CONSIDER TWO SUGGESTIONS: (1) THAT ARTICLE 10(7) BE DELETED; AND (2) THAT UPPER HOUSE AND PRESIDENT BE ELECTED AT THE SAME TIME ON "A DAY IN EARLY SEPTEMBER, 1967", AND THE LOWER HOUSE ONE MONTH LATER.

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3. LETTER USES THREE ARGUMENTS AGAINST ARTICLE 10(7). (THIS IS PROVISION WHICH STATES THAT PRESIDENTIAL CANDIDATES MUST BE INTRODUCED BY ANY COMBINATION OF 30 DEPUTIES AND PROVINCIAL OR MUNICIPAL COUNCILLORS.) FIRST, LETTER ARGUES, PROVISION IS UNCONSTITUTIONAL. IT VIOLATES ARTICLE 2(2) OF CONSTITUTION WHICH ADVOCATES EQUALITY OF ALL CITIZENS AND ARTICLE 13(2) WHICH ACCORDS EVERY CITIZEN RIGHT TO RUN FOR OFFICE. SECOND, PROVISION IS UNDEMOCRATIC BECAUSE IT LIMITS RIGHT OF CITIZENS TO VOTE AND RUN FOR OFFICE; AND LASTLY IT IS UNREASONABLE BECAUSE IT DOES NOT ALLOW VILLAGE

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Joan Zaber DATE 10/5/81
NDS ☐ or XDS ☐ EXT. DATE
TS AUTH. REASON(S)
E. O. SEC EXEMPTION MARKINGS ☐
DECLASSIFIED ☑ RELEASABLE ☑
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COUNCILLORS, EVEN THOUGH THEY ARE ELECTED, TO INTRODUCE CANDIDATES.

4. ON QUESTION OF ELECTION DATES, LETTER POINTS OUT THAT

ARMED FORCES COUNCIL AND DIRECTORATE HAVE ALREADY COMMITTED THEMSELVES PUBLICLY TO "EARLY SEPTEMBER" ELECTION DATE FOR PRESIDENT AND UPPER HOUSE AND TO ELECTION OF LOWER HOUSE ONE MONTH LATER. "ARMED FORCES COUNCIL AND DIRECTORATE MUST FULFILL THEIR RESPONSIBILITY TO THE COUNTRY AND TO HISTORY BY KEEPING THE PROMISE MADE IN THE ARMED FORCES COUNCIL RESOLUTION OF MARCH 27, 1967... MOREOVER, THE ASSEMBLY ITSELF HAS ON MANY OCCASIONS EXPRESSED ITS DETERMINATION TO MOVE SWIFTLY IN THE TASK OF BUILDING DEMOCRACY." IN ADDITION, LETTER GOES ON TO STATE, INSTITUTIONS CALLED FOR BY THE CONSTITUTION CAN ONLY OPERATE EFFECTIVELY ONCE PRESIDENT, VICE-PRESIDENT AND BOTH HOUSES HAVE BEEN ELECTED. A POLITICAL VACCUM OF SERIOUS PROPORTIONS COULD RESULT IF THERE IS A PROLONGED PERIOD BETWEEN ELECTION OF THE PRESIDENT AND THE NEW NATIONAL ASSEMBLY. FINALLY, ELECTING THE PRESIDENT, VICE-PRESIDENT AND UPPER HOUSE ON THE SAME DAY "IS ESSENTIAL IN SPARING THE BLOOD AND BONES OF OUR SOLDIERS ENGAGED IN PROVIDING SECURITY FOR THE ELECTIONS, WILL SAVE TIME FOR OUR VOTING POPULATION AND WILL REDUCE EXPEDITURES BY THE NATIONAL BUDGET."

5. APART FROM URGING THAT PRESIDENTIAL AND UPPER HOUSE

ELECTIONS BE HELD ON SAME DAY, LETTER ALSO REQUESTS THAT ASSEMBLY COMPLETE UPPER HOUSE ELECTION LAW BY JUNE 3, 1967, AND LOWER HOUSE LAW BY JUNE 16, 1967, SO THAT GVN HAS SUFFICIENT TIME TO PREPARE FOR ELECTIONS.

6. LETTER MAKES NO REFERENCE TO ARTICLE 24 WHICH PROVIDES THAT THERE WILL BE SINGLE ELECTION FOR PRESIDENT.

7. VIET NAM PRESS HAS QUOTED PHAN KHAC SUU AS SAYING ON MAY 26 THAT HE SAW NO PROBLEM IN HOLDING PRESIDENTIAL AND

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UPPER HOUSE ELECTIONS AT SAME TIME. ACCORDING TO ASSEMBLY SECGEN, SUU HAS ALSO SAID PRIVATELY HE IS WILLING TO SEE ARTICLE 10(7) AMENDED, BUT NOT DELETED.

8. COMMENT: ON THE WHOLE, DIRECTORATE LETTER IS CONSTRUCTIVE, POLITE AND NOT LIKELY TO PROVOKE HOSTILE REACTION ON PART OF NATIONAL ASSEMBLY. A NUMBER OF DEPUTIES, INCLUDING PHAN KHAC SUU, WILL OF COURSE BE DISAPPOINTED THAT LETTER DOES NOT REOPEN RUN-OFF QUESTION. INCOMPLETE REPORTS

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TRICKLING OUT OF DIRECTORATE DURING PAST FEW DAYS PLUS A STRONG DOSE OF WISHFUL THINKING HAD GIVEN RISE TO HOPES THAT DIRECTORATE MIGHT CHANGE ITS LINE AND OPT FOR RUN-OFF PROVISION.

BUNKER
BT

NOTE: PASSED S/S-O, DOD, NSA, CIA, WHITE HOUSE, USIA AT 8:46 A.M

5/27/67